NOTICE OF EXEMPTION

TO: ☒ Office of Planning and Research
State Clearinghouse
CEQAsubmit.opr.ca.gov

☒ County Assessor/Recorder/Clerk
Attn: Fish and Wildlife Notices
1600 Pacific Highway, Suite 260, MS A-33
San Diego, CA 92101

FROM: County of San Diego, Department of Public Works
Environmental Services Unit
Attn: Anissa Busch
5510 Overland Avenue, Suite 410, MS O-332
San Diego, CA 92123

SUBJECT: FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21108 OR 21152

Project Name: RECEIVE THE LOCAL AGENCY MANAGEMENT PROGRAM (LAMP) UPDATE AND APPROVE THE AMENDMENTS TO THE COUNTY OF SAN DIEGO CODE OF REGULATORY ORDINANCES (CHAPTER 3 DIVISION 8 OF TITLE 6) RELATED TO THE ONSITE WASTEWATER TREATMENT SYSTEMS (OWTS) AND IMPROPER DISPOSAL OF SEWAGE AND RELATED CEQA EXEMPTION (8/28/24 – FIRST READING); (09/11/24 – SECOND READING) ADOPT THE COUNTY OF SAN DIEGO CODE OF REGULATORY ORDINANCES RELATED TO OWTS AND IMPROPER DISPOSAL OF SEWAGE (DISTRICTS: ALL)

Project Location: Countywide, San Diego County

Project Applicant: County of San Diego, Department of Environmental Health and Quality
5500 Overland Avenue, Suite 170
San Diego, CA 92123

Project Description: The proposed project involves the adoption and implementation of a revised Local Agency Management Plan Program (LAMP) to permit conventional Onsite Wastewater Treatments Systems (OWTS) and regulate alternative OWTS. In addition, the action would amend and adopt the County of San Diego Code of Regulatory Ordinances, specifically the County of San Diego Zoning Ordinance, Chapter 3 Division 8 of Title 6 by adding new sections and amending existing sections related to OWTS and improper disposal of sewage. The proposed revisions to the LAMP and applicable County of San Diego Code of Regulatory Ordinances are required to be in compliant with the State OWTS Policy.

Agency Approving Project: County of San Diego

County Contact Person: Linda Turkatte, Interim Program Coordinator Telephone: 858-868-1073

Date Form Completed: September 11, 2024

This is to advise that the County of San Diego Board of Supervisors (County decision-making body) has approved the above-described project on September 11, 2024 #2 (Meeting Date /Item #) and found the project to be exempt from CEQA under the following criteria:

Exempt status and applicable section of the CEQA ("C") and/or State CEQA Guidelines ("G"): (check only one)

❑ **Categorical Exemption**: Sec. G
❑ **Declared Emergency**: Sec. C 21080(b)(3); Sec. G 15269(a)
❑ **Emergency Project**: Sec. C 21080(b)(4); Sec. G 15269(b)(c)
❑ **General**: Sec. C.
❑ **Ministerial**: Sec. C 21080(b)(1); G 15268
❑ **Preliminary Review**: Sec. G
☒ **Statutory Exemption**: Sec. G 15251(g) (List of Certified Programs) in accordance with Article 12. Special Situations, Section 15184(b) State Mandated Local Projects

Statement of reasons why project is exempt: The proposed project involves the adoption and implementation of a revised Local Agency Management Plan (LAMP) Program and amendments to the County of San Diego Code of Regulatory Ordinances(Chapter 3 Division 8 of Title 6) pursuant to the State Water Resources Control Board's (SWRCB) adopted Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems OWTS and supported Addendum, both dated April 18, 2023.

Section 15251 of the State CEQA Guidelines exempts from CEQA review various programs that have been certified by the State Secretary for Resources. The OWTS is part of the SWRCB's Water Quality Control (Basin)/208 Planning Program, which is listed in CEQA Guidelines Section 15251(g) as one of the programs certified by the Secretary for Resources as meeting the requirements of CA Public Resource Code 21080.5.

Furthermore, if a certified agency, such as the SWRCB, makes changes to their regulations and/or rules, a local agency is required to revise their applicable LAMP and regulatory ordinances. If a local agency undertakes a project to implement a rule or regulation imposed by a certified state environmental regulatory program listed in Section 15251, the project shall be exempt from CEQA with regard to the significant effects analyzed in the state agency's substitute environmental document (SED). Per Section 15184 of the State CEQA Guidelines, the local agency need not re-examine the general environmental effects of the state rule or regulation; however, the local agency shall comply with CEQA regarding any site-specific effect of the project which was not analyzed by the certified state agency as a significant effect on the environment.

The 2023 OWTS amendments are intended to improve and clarify policy implementation and applicability to the various tiers of the OWTS. The amendments proposed in the OWTS and the corresponding proposed changes to the County's LAMP are minor in nature and do not create a new significant environmental effect(s) nor do the proposed changes increase the severity of the previously identified environmental effects in the state agency's SED, and do not meet the threshold of substantial changes and/or substantial importance to warrant additional environmental analysis that was not previously analyzed by the state agency. Therefore, the project undertaking by the local agency is exempt from CEQA pursuant to Section 15251(g) (List of Certified Programs) in accordance with Article 12. Special Situations, Section 15184(b) State Mandated Local Projects as meeting the requirements of the CA Public Resources Code Section 21080.5.

The following is to be completed only upon formal project approval by the appropriate County of San Diego decision-making body.

Signature: Kimberly Jones Telephone: 619-241-5059

Name (Print): Kimberly Jones Title: Land Use Environmental Planning Manager

This Notice of Exemption has been signed and filed by the County of San Diego.

This notice must be filed with the Recorder/County Clerk as soon as possible after project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than nine months. Reference: CEQA Guidelines Section 15062.